TURNER - Speech

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Thank you Senator Bayh. Thank you all for being here on this glorious, sunny, Indiana afternoon. As a fellow midwesterner, I always enjoy coming back to this part of the country. We who live and work in Washington sometimes begin to believe that everything written on the Eastern shore is true, and representative of the opinion in the rest of the country. In fact, it frequently is not. Consequently, it is a wonderful opportunity for me to have this chance to be with you and to tell you a little about the trends in intelligence activities today. Then I would be happy to respond to your questions and, hopefully, hear your ideas, suggestions and other thoughts about what we are doing or should be doing.

Over the past five years, the institution of American intelligence, particularly the Central Intelligence Agency, has undergone more public scrutiny than any intelligence organization in history. That it has survived so well this fundamental shake-up and overall public review is a tribute to the high quality men and women who constitute that community. It is also to the great credit of your senior Senator, Birch Bayh, that the Congress has played such a constructive and helpful role in bringing the American intelligence world back into balance. Senator Bayh served on the Senate Select Committee on Intelligence in the 95th Congress and now, in the 96th Congress, he is that Committee's chairman. He is a strong and enlightened leader; one on whom I can depend to have done his homework, to ask piercing questions, and always to support what is best for the national security. I will say more a little later about the role of the Senator's committee and how important it is to us.

Let me go back to the issue of public scrutiny and the fundamental problem that past investigations have created. The problem is one of exacerbating the already difficult job of keeping secrets in the atmosphere of openness and inquiry which exists today.

The CIA is and should be the most secretive organization in our government. The fact that it has been opened to the public to the extent that it has, has been traumatic for those in intelligence. It has damaged morale. The typical intelligence officer, for example, feels that he is performing a difficult but a patriotic task which often requires great sacrifice on his part and on the part of his family. When he sees what he does in good conscience exposed, increasing the risks he must take, and is criticized in the

public media, he can reasonably feel that the country neither understands nor appreciates the sacrifices he is making. That is a tragedy, because I can assure you that the intelligence professionals this country is privileged to have are totally dedicated to you and to our country.

Public exposure also makes our job much more difficult. When adequate secrecy cannot be guaranteed, foreigners who spy on our behalf and the intelligence services of foreign governments which complement ours are much less willing to do so. I need not emphasize to this audience of individuals, who have dedicated themselves to the patriotic support of our country, that we simply must be able to collect good information about what is going on in the rest of the world if the United States is to have a sound and sensible foreign policy.

The world we live in is not the ideal world which we would like. More societies than not are closed and totalitarian. Not all countries are willing to tell us what they plan to do in advance of doing it, even if what they do may affect United States interests adversely. Look, for instance, at the the hostage situation in Iran; at the Soviet invasion of Afghanistan. Events all around the world confirm that, while we have always needed good intelligence, today we need it more than ever before.

Thirty-two years ago, when the Central Intelligence Agency was founded, we were the predominant military power in the world. We were independent economically and many, if not most, of the free nations of the world took their political cues from us. How different is today's world. We are one of several interdependent economic powers. We do not dominate the world's political scene. Small nations and large are activist and independent. We are much closer to military parity. In these circumstances, the leverage of knowing what is going on in the rest of the world is much more important than it ever was in the days of our economic, political and military superiority.

But, if we are to have good intelligence, we must also be able to keep national secrets. How then do we resolve the contradiction between this need for secrecy and the danger of any secrecy in a democratic society? Secrecy can lead to unidentifiable power. Power of any type can be abused, but unidentified power has a particular potential for abuse. How then can we provide our country with good intelligence and at the same time insure against abuse? On the one hand, we could underreact. We could simply assume that the relatively limited number of abuses of the past will not be repeated because different people are in government and because we are more conscious of the problem. On the other hand, we could overreact and apply such stringent controls on the intelligence process that we would handcuff ourselves out of business. Either course would be shortsighted.

We need to achieve a balance. The best way to achieve that balance is through a system of accountability. Accountability to the Legislative Branch of our Government, accountability to the Executive Branch, and even accountability directly to the American public. We have found that we can do this, and that we can do it in ways that will not diminish our necessary capabilities.

Let me first describe how we now account to you, the American public, directly. In the past, very little of what we did was ever made known to the public. So, public accountability was impossibile. That is no longer the case. The public investigations, the Freedom of Information Act, the perserverance of the American press have all made American intelligence much more accessible to the public. In addition, for the past several years we have carried out a deliberate policy of being more open. We publish more, share more of the studies and estimates that we do whenever that can be done in unclassified form and without jeopardizing security. My presence here with you today, something that might not have been possible four or five years ago, is another earnest of our desire to keep the public as well as informed as we can.

But because we cannot share everything directly with the public, we have constructed two systems of surrogates for the public in overseeing intelligence activities. One is a series of accountability mechanisms in the Executive Branch. Let me initially focus on those involving the presidency.

First, the President has the Intelligence Oversight Board composed of three non-government members who investigate any allegations of wrong doing or abuse which anyone may present to them. This Board then reports directly to the President. Second, the President is informed of sensitive intelligence activities, and personally signs an approval for any covert action activity that we are directed to undertake. Finally, President Carter has strongly supported the concept that Congress be well-informed about our activities so that it too can carry out its oversight responsibilities. This attitude is vital to the whole process of accountability.

The other accountability surrogate is the Congress. Sometimes people are skeptical here, feeling that the record of the Congress is no better than that of the Executive Branch in overseeing intelligence activities. Yet the Congress is elected separately from the Executive and operates independently of the Executive, therefore provides a wholly separate check on our activities.

Being accountable to two branches of government provides, I believe, a reinforcing assurance. There are two committees in the Congress, one in each chamber, dedicated exclusively to this oversight task. One is the Senate Select Committee on Intelligence which Senator Bayh chairs. I assure you we are open and forthcoming with the Senator and his colleagues. I can assure you also that Senator Bayh and the members of his committee are probing and thorough in their review of our activities. Their questioning and their guidance, both in advice and in law, are indeed very helpful to us. After all, accountability that is exercised properly is healthy for any organization.

Accountability must also be internal. It must ultimately start and end with the people who do the intelligence work. Under the President's mandate, I have reorganized the CIA and the staff that guides the overall intelligence community to strengthen them and to assure improved control. Policy has been reshaped to conform with the changed national environment, the need for more vigorous oversight, and the demands of new intelligence requirements. Steps were taken, such as the well-publicized and often criticized reductions in personnel, to improve our personnel management. The objective was to invigorate the organization, to preserve the dynamism and challenge which have always attracted to the Central Intelligence Agency the best talent that this country has to offer. Rather than purging the Agency of its ablest and best, as some allege, this personnel reduction has opened the top of the organization to new ideas, to greater flexibility, and to a heightened sensitivity to the changed world in which we must operate. Plenty of able and experienced hands remain to lead the young chargers, I assure you.

Having laid out for you the fundamentals of ensuring accountability, the next logical question is, what has that done to our capabilities? Does the necessary balance exist between accountability and our capabilities to produce effective intelligence?

In his State of the Union address just a few weeks ago, President Carter said:

> "Clear and quick passage of a new charter to define the legal authority and accountability of our intelligence agencies is necessary. We will guarantee that abuses do not reoccur, but we must tighten our controls on sensitive intelligence information and we need to remove unwarranted restraints on America's ability to collect intelligence."

This statement recognizes the fulfillment of the President's commitment to intelligence reform.

The charter he is asking the Congress to enact will do three things: It will delineate what our authorities are, what we are authorized to do. It will delineate what restrictions are placed on us, what we may not do. And, it will codify the oversight process which will check on how well we are using the authority we are given and whether we are exceeding or ignoring the restrictions and the prohibitions that have been laid out.

Senator Bayh and his committee are blazing the trail in this regard. Last week they introduced charter legislation to the Congress. We all hope very much the Congress will act on this charter during the forthcoming session.

It is precisely because this system of authorizations, restrictions, and oversight procedures has proven so successful in the last few years that the President and the Congress can now contemplate lifting some of the restraints on intelligence activities. Frankly, following the investigations of 1975 and 1976, the government went a little overboard in restricting intelligence agencies. From the point of view of many, this was necessary since adequate oversight and control mechanisms did not then exist. Today they do. Now there will be no danger in lifting some of those shackles that disadvantage American intelligence activities.

Let me cite four examples for you. First is the Hughes-Ryan Amendment. This Admendment requires that whenever we undertake a covert action we report it to as many as eight committees of the Congress. Reducing that reporting requirement to the two intelligence oversight committees would greatly diminish the risk of leaks, which could endanger lives, without diminishing Congressional oversight.

Second is the Freedom of Information Act. This Act requires that, for every request for information we receive, we must search all of the CIA's files, including those which contain information about our most sensitive sources. Limiting that review primarily to finished intelligence from which the source information has been removed would go far to reassure important sources overseas that there is no chance of a deliberate or inadvertent release of information which could compromise them. Without this reassurance, they are becoming increasingly reluctant to cooperate with us because they fear their identities may become known.

Third, the discovery process in courts of law can require us to reveal more sensitive, classified information in open court to prosecute an alleged espionage case than was compromised in the first place by the accused. Often, rather than do this the government will drop the case. This is called graymail. It could be avoided if we legislate some protective rules which govern the use of classified information in espionage and other criminal cases.

Finally, we do not have adequate legislation today to deal with those few scurrilous people who deliberately disclose the names of CIA officers, agents overseas, informants and other sources of information.

Legislation for all four of these problems is either incorporated in the charters or is tabled before the Congress. We are very hopeful of their support in these directions in these next few months.

In conclusion, let me say that intelligence reform has taken place. American intelligence services operate under the informed control of the Executive and the Legislative Branches. No one is proposing today that, in lifting these restrictions, that be changed. However, we are moving today closer to the enactment of a permanent charter which will formally legislate the authority and the limits of our country's intelligence activities. The moment is right not only to reassure ourselves that the safeguards of our Constitutional rights and our civil liberties are firmly in place, but also to assure that we have balanced those guarantees against the practical imperative of maintaining the best intelligence arm of which we are capable.

It is not a perfect world. It is not an open world. It is a world in which we must balance idealism and reality. We must be sure that the check of accountability encourages idealism. We must also be sure that the check of accountability is made sufficiently flexible so that idealism can be tempered with realism. We are not there yet but we are moving strongly in the right direction. It is an exciting period, an important period in American intelligence. A period where we are, in effect, evolving a new, uniquely American model of intelligence; one tailored to the values and standards of our society, yet, one which is also designed to ensure that we remain exactly what we are today, the number one intelligence service in the world.

Thank you very much.